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HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
11th Floor
BOSTON, MA 02116-3889

| EXAMINER |
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| CHUMPITAZ, BOB R |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on _20 November 2008_.

2a)☒ This action is **FINAL**.  2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) _1-4,6,8,9,28,29 and 31-49_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4,6,8,9,28,29 and 31-49_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All  b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

The following is a Final Office action in response to communication received November 20, 2008. Claims 1-4, 6-9 and 28-29 have been amended, claims 5, 7, 10-27 and 30 have been cancelled, and claims 31-49 have been added. Therefore, claims 1-4, 6-9, 28-29 and 31-49 are pending and addressed below.

### *Response to Amendments*

Amended claims 1-4, 6, 8 and 9 stands rejected by the Examiner under 35 U.S.C. 101 (See *35 USC § 101* rejection below).

### Double Patenting

In light of the amended claims 1-4, 6, 8, 9 and 28-29 and cancelled claims 5, 7, 10-27 and 30, the Examiner withdraws the Double Patenting rejection.

### *Claim Objections*

**Claims 36-49** are objected to for minor informalities:

**Independent claim 36 and 49,** recite in the preamble "an article". It is not clear how "an article comprising a machine readable storage medium, storing instructions thereon operable to cause a machine to perform operations" constitutes an apparatus or system. Clarification is required. For examination purposes, the Examiner is interpreting "an

article" to mean "a computer" containing a combination of software and hardware

elements.

**Claims 37-48** depend from claim 36 and contain the same deficiencies. Therefore, claims

37-48 are also objected.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

**Claims 1-4, 6, 8-9, 28-29 and 31-35 are rejected under 35 U.S.C. 101 because the**

**claimed invention is directed to non-statutory subject matter.**

**Regarding independent claims 1 and 35,** for better clarification, as presented recite a

method comprising: "providing information system", "providing an individual

configurable user interface" and "populating user interfaces with monitoring

information", however as presented in the claim it is not directed to any form of structure

and could equate to software components. A computer program is merely a set of

instructions being capable of being executed by a computer, the computer program itself

is not a process and cannot be realized without being stored and/or embedded in a

computer readable medium needed to impart functionality. Therefore, a program by itself

is non-statutory functional descriptive material (See MPEP 2106.01 (I)). In addition,

based on the recent precedent for the Federal Circuit from In re Bilski, the machine-or-

transformation test is a two-branched inquiry; an applicant may show that a process claim

satisfies § 101 either by showing that his claim is tied to a particular machine, or by

showing that his claim transforms an article. See Benson, 409 U.S. at 70. Certain

considerations are applicable to analysis under either branch. First, as illustrated by

Benson and discussed below, the use of a specific machine or transformation of an article

must impose meaningful limits on the claim's scope to impart patent-eligibility. See

Benson, 409 U.S. at 71-72. Second, the involvement of the machine or transformation in

the claimed process must not merely be insignificant extra-solution activity. See Flook,

437 U.S. at 590. The claimed process contains physical steps, it does not involve

transforming an article into a different state or thing. Therefore, Applicants' claim is not

drawn to patent-eligible subject matter under § 101, because the applicable test to

determine whether a claim is drawn to a patent-eligible process under § 101 is the

machine-or-transformation test set forth by the Supreme Court and clarified herein, and

Applicants' claim here plainly fails that test. See *e.g. In re Bilski and Warsaw*, (Fed. Cir.

2008).

**Claims 2-4, 6, 8-9, 28-29 and 31-34** depend from clam 1 and do not cure the deficiencies

set forth above. Therefore, claims 2-4, 6, 8-9, 28-29 and 31-34 are also rejected as being

directed to non-statutory subject matter.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

**Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 4 recites, "a repository to request, schedule, and monitor execution of training sessions". It is unclear to the Examiner how a repository performs the claimed operations. Businessdictionary.com defines a repository as "storage for indefinite or permanent placement. In comparison, a depository is in which something is placed to be taken out later." (http://www.businessdictionary.com/definition/repository.html). Therefore it is unclear what this claim is referring to. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1, 28-29, 31-33, 35-36, 43-47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry et al. (US 2002/0169649 A1, hereinafter Lineberry) in view of Zhang et al. (US 2002/0188542, hereinafter Zhang).**

As per claim 1, Lineberry discloses an acquisition integration system and process for assimilating companies ([paragraph] [0045] a system and method that facilitate integration of one corporate entity into another corporate entity and wherein an integration area include human

resources), but does not expressly disclose providing a single logical physically distributed

information system across one or more information systems of at least two enterprises,

However, Lineberry teaches a method in a computer for generating an acquisition

integration project plan [0012]. Furthermore, Lineberry teaches providing a strategy for

managing integration efforts from day one. In addition, the Acquisition Integration

Framework (AIF) tool facilitates the sharing of integration best practices and lessons

learned (Fig. 7). Lastly, Lineberry teaches wherein a computer program embodied on a

computer-readable medium is provided which comprises a code segment that manages

integration areas for acquisition integration [0018].


In addition, Zhang teaches compensation data processing having a single logical

physically distributed information system across one or more information systems of at

least two enterprises ([0006] a computer system retrieving compensation data from a first

business entity and from a second business entity; and [0029] a compensation data

exchange software module that aligns jobs from a first company to jobs of a second

company).


Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the method and system for developing an acquisition

integration project plan of Lineberry to include the information system executing

compensation alignment activities as taught by Zhang in order to facilitate data transfer

between business-to-business information systems.

Lineberry further discloses providing an individually configurable user interface remotely

connected to said single logical physically distributed information system ([0002]

integrating an acquired company with an acquiring company and assimilating a newly

acquired asset or company with another asset or company, [0045] discloses the following

integration phases: pre-due diligence, due diligence, and post sign/pre close, pre close,

and transition to operations, where pre-due diligence represents the pre-restructuring

activities, the due diligence, post sign/pre close, and pre close activities represents the

restructuring activities, and the transition to operations represents the post restructuring

activities; and [0059] labor relations, employment practices employee services

implementation and a compensation integration area, where the integration between the

two companies achieves realignment of compensation; and [0054] one of user devices 14

includes a work station 54 located at a remote location; and [0051, 55-57] user interface

100 for an acquisition integration framework tool; workstations are coupled via internet

link or are connected through the intranet...user system via a telephone link...link exists

where user can notify administrator); and

Lineberry further discloses populating said individually configurable user interface with

monitoring information and features regarding a corporate integration on said

individually configurable user interface, comprising making a deal selection choice,

planning an integration, executing a transaction, executing an integration, and making a

post-integration assessment ([0057-67] main user interface 110 includes headings for

Commercial, Operational, Human Resources, Legal, and Financial, under each heading

are groupings of pre-defined integration areas, which are selectable by a user; see also

[0076-78] the use of system 10 provides an integration team with the resources needed to

perform the acquisition integration tasks involved when combining one business entity

into another).

As per claims 28 and 43, Lineberry further discloses providing a selection on the plurality

configurable user interface that *allows* a stakeholder to select a view of one or more lists of

deliverables by a meeting date and a task force, the user interface further being adapted to

present a deliverables tracker reference session link ([0016, 17, 19, 25-40, 44-45, 56-58, 63]

electronic interface...acquisition integration main user interface displaying a set of selectable

integration events for the selected integration area, and generating an integration project plan

incorporating selected integration events...system for clear communication and tracking of tasks

performed in connection with an integration....devices are interconnected to the network through

many interfaces; see also, [0049-50] a system includes a server sub-system and a plurality of

devices, where the devices are computers including a web browser and are connected to server.

As per claims 29 and 44, Lineberry further discloses providing a view of one or more lists

including a meeting date, a time, a milestone, a location, and a deliverable information, the

deliverable information comprising a name, a task force, a requester, an assignee, and a status

([0008, 10, 18, 30, 34, 41, 44-46, 64] checklists utilized in the due diligence phase of an

acquisition...acquisition integration plan, deliverable checklists...business leader integration

area and deliverable checklist user interface…spreadsheets listing integration areas and events;

see also Fig. 1: deliverables checklist, Fig. 8: schedule, Fig. 19: integration progress report; see

also claim 44 managing acquisition integration to achieve acquisition synergies).


As per claims 31 and 45, Lineberry discloses an electronic user interface for acquisition

integration planning [0016], but does not expressly disclose configuring the individually

configurable user interface based on the exchange of metadata by a security clearance of a user

and the single logical physically distributed information system.

> However, Lineberry teaches a system that displays integration area and deliverable
>
> checklist user interface ([0018, 30, 44-45, 64, 66, 69, 77] system displays integration area
>
> and deliverable checklist user interface; see also Fig. 13, item 210; see also, claims 44 &
>
> 57 computer program embodied on a computer readable medium for managing
>
> acquisition integration to achieve acquisition synergies….computer program comprising
>
> a code segment that monitors the security of the system by restricting access to
>
> unauthorized individuals…system facilitates clear communication and tracking of tasks
>
> performed in connection with an integration…list of deliverables used to determine
>
> whether all tasks associated with a particular integration event have been completed).
>
> Therefore it would have been obvious to one of ordinary skill in the art at the time of the
>
> invention to modify the user interface of Lineberry and Zhang in order to provide security
>
> restrictions access to unauthorized users associated with the acquisition integration
>
> process.

As per claims 32 and 46, Lineberry further discloses providing for communication between the single logical physically distributed information system and the individually configurable user interface by using extensible markup language, web services, request for comments or transmission connect protocol/internet protocol ([0054] one of user devices 14 includes a work station 54 located at a remote location; and [0051, 55-56] user interface 100 for an acquisition integration framework tool; workstations are coupled via internet link or are connected through the intranet...user system via a telephone link...link exists where user can notify administrator; see also [0057-67] main user interface 110 includes headings for Commercial, Operational, Human Resources, Legal, and Financial, under each heading are groupings of pre-defined integration areas, which are selectable by a user; see also [0076-78] the use of system 10 provides an integration team with the resources needed to perform the acquisition integration tasks involved when combining one business entity into another).

As per claims 33 and 47, Lineberry further discloses connecting the single logical physically distributed information system and the individually configurable user interface via an enterprise connector interface, internet communication manager/internet communications framework, or an encapsulated postscript ([0051, 55-56] user interface 100 for an acquisition integration framework tool; workstations are coupled via internet link or are connected through the intranet...user system via a telephone link...link exists where user can notify administrator; see also [0057-67] main user interface 110 includes headings for Commercial, Operational, Human Resources, Legal, and Financial, under each heading are groupings of pre-defined integration areas, which are selectable by a user; see also [0076-78] the use of system 10 provides an

integration team with the resources needed to perform the acquisition integration tasks involved

when combining one business entity into another).

As per claims 35 and 49, Lineberry discloses a method and system for an acquisition integration

and process for assimilating companies ([0045] a system and method that facilitate integration of

one corporate entity into another corporate entity and wherein an integration area include human

resources), but does not expressly disclose providing a single logical physically distributed

information system across one or more information systems of at least two enterprises;

> However, Lineberry teaches a method in a computer for generating an acquisition
>
> integration project plan [0012]. Furthermore, Lineberry teaches providing a strategy for
>
> managing integration efforts from day one. In addition, the Acquisition Integration
>
> Framework (AIF) tool facilitates the sharing of integration best practices and lessons
>
> learned (Fig. 7). Lastly, Lineberry teaches wherein a computer program embodied on a
>
> computer-readable medium is provided which comprises a code segment that manages
>
> integration areas for acquisition integration [0018].

> In addition, Zhang teaches compensation data processing having a single logical
>
> physically distributed information system across one or more information systems of at
>
> least two enterprises ([0006] a computer system retrieving compensation data from a first
>
> business entity and from a second business entity; and [0029] a compensation data
>
> exchange software module that aligns jobs from a first company to jobs of a second
>
> company).

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the method and system for developing an acquisition

integration project plan of Lineberry to include the information system executing

compensation alignment activities as taught by Zhang in order to facilitate data transfer

between business-to-business information systems.


Lineberry further discloses providing an individually configurable user interface remotely

connected to said single logical physically distributed information system ([0002]

integrating an acquired company with an acquiring company and assimilating a newly

acquired asset or company with another asset or company, [0045] discloses the following

integration phases: pre-due diligence, due diligence, and post sign/pre close, pre close,

and transition to operations, where pre-due diligence represents the pre-restructuring

activities, the due diligence, post sign/pre close, and pre close activities represents the

restructuring activities, and the transition to operations represents the post restructuring

activities; and [0059] labor relations, employment practices employee services

implementation and a compensation integration area, where the integration between the

two companies achieves realignment of compensation; and [0054] one of user devices 14

includes a work station 54 located at a remote location; and [0051, 55-57] user interface

100 for an acquisition integration framework tool; workstations are coupled via internet

link or are connected through the intranet...user system via a telephone link...link exists

where user can notify administrator); and

Lineberry further discloses populating said individually configurable user interface with

monitoring information and features regarding a corporate integration on said

individually configurable user interface ([0057-67] main user interface 110 includes

headings for Commercial, Operational, Human Resources, Legal, and Financial, under

each heading are groupings of pre-defined integration areas, which are selectable by a

user; see also [0076-78] the use of system 10 provides an integration team with the

resources needed to perform the acquisition integration tasks involved when combining

one business entity into another),

comprising:

> making a deal selection choice, including defining acquisition objectives,
>
> performing due diligence research, and identifying synergies, risks, and a
>
> realization plan ([0057] groupings of predefined integration areas; see also [0067]
>
> a business leader integration area user interface that consists of printer friendly
>
> reports which includes integration events such as to schedule and participate in
>
> integration strategy workshop; see also Fig. 1: deliverables checklist, Fig. 8: Deal
>
> approval, Projected deal synergies, Fig. 9: Achieving deal synergies, Fig. 13: Deal
>
> team, Fig. 19: integration progress report; see also claim 44 managing acquisition
>
> integration to achieve acquisition synergies);
>
>
> planning an integration, including establishing short term and long term tasks and
>
> communicating goals and decisions to users ([0012, 16, 18-21] a method in a

computer for generating an acquisition integration project plan; see also Fig. 8:

building integration plan, execute integration plan);

executing a transaction, comprising structuring the acquisition by type, tax

implication and legal issues (Fig. 8: building integration plan, execute integration

plan, Fig. 12: ensure plan execution);

executing an integration, including operating and managing integration projects

and subprojects, designing a new organization, managing an integration of

information technologies, human resources, financials, and procurements ([0069]

transition of operations; see also Fig. 8: building integration plan, execute

integration plan); and

making a post-integration assessment, including measuring achieved synergies,

assessing potential improvements, and applying said assessment to future

transactions ([0069, 73, 75, 78] integration events including post signing, post

closing and integration events which take place after closing).

As per claim 36, Lineberry discloses an acquisition integration system and process for

assimilating companies [0045] a system and method that facilitate integration of one corporate

entity into another corporate entity and wherein an integration area include human resources, but

does not expressly disclose an article comprising a machine readable storage medium, storing

instructions thereon operable to cause a machine to perform operations comprising providing a

single logical physically distributed information system across one or more information systems

of at least two enterprises.

However, Lineberry teaches a method in a computer for generating an acquisition

integration project plan [0012]. Furthermore, Lineberry teaches providing a strategy for

managing integration efforts from day one. In addition, the Acquisition Integration

Framework (AIF) tool facilitates the sharing of integration best practices and lessons

learned (Fig. 7). Lastly, Lineberry teaches wherein a computer program embodied on a

computer-readable medium is provided which comprises a code segment that manages

integration areas for acquisition integration [0018].


In addition, Zhang teaches compensation data processing having a single logical

physically distributed information system across one or more information systems of at

least two enterprises ([0006] a computer system retrieving compensation data from a first

business entity and from a second business entity; and [0029] a compensation data

exchange software module that aligns jobs from a first company to jobs of a second

company).


Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the method and system for developing an acquisition

integration project plan of Lineberry to include the information system executing

compensation alignment activities as taught by Zhang in order to facilitate data transfer between business-to-business information systems.

Lineberry further discloses providing an individually configurable interface remotely connected to said single logical physically distributed information system; and populating the individually configurable user interface with monitoring information and features regarding a corporate integration on said user interface, comprising making a deal selection, planning an integration, executing a transaction, executing an integration, ad making a post-integration assessment ([0018, 21, 51] a computer program embodied on a computer-readable medium comprises a code segment that manages integration areas for acquisition integration, a code segment that organizes integration events for each integration area, and a code segment that generates an acquisition integration plan including a set of integration events and deliverable checklists based on user selected integration areas, to guide the user through integration process; see also, claims 44, 74 computer program embodied on a computer readable medium for managing acquisition integration to achieve acquisition synergies).

**Claims 2-4, 6, 34, 37-40 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Zhang and in further view of Marpe et al. (US 2002/0184191 A1, hereinafter Marpe).**

As per claims 2 and 37, Lineberry further discloses a method and system providing an executive cockpit monitoring interface, a training management interface, a deliverables interface, a project managing  interface, and a communications management interface on said individually configurable user interface; and configuring said user interface with an object modeling- tool to create business objects and a project modeling tool to create project modules ([0016] a method for acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of a plurality of integration areas, identifying a responsible person for each integration area using the interface, identifying a responsible person and a due date for each integration event within an integration area through the interface, and requesting, from the electronic interface, a percentage completion for each integration event; see also [0019] method is provided for operating a computer which comprises prompting a user to select an integration area from an acquisition integration main user interface, displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events; see also [0045] user interfaces to develop a computer program that is executable by computer systems; a system based acquisition integration tool provides a framework for generating such a plan), but does not expressly disclose providing a user interface to manage training, planning, and communication activities.

However, Marpe teaches a user interface that allows a user the access to various management, planning, training and any other functions related to merger and acquisition ([0039, 0041, 0104, 0161-0162, 0168, 0178, 0659, 0710 user interface...discussion database interface page available to the user of the merger and acquisition engine... merger and acquisition engine develops and retains institutional knowledge related to

consolidation thus reducing cost related to training....various categories of project

management tools, a planning guide, industry solution packs relating to merger and

acquisition may be retrieved from interface...communicating the target environment to

employees and conducting training]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the user interface of Lineberry and Zhang to include the discussion

database user interface as taught by Marpe in order to allow the user access to other

functions of the merger and acquisition process.

As per claims 3 and 38, Linberry further discloses a method and system <u>wherein said executive</u>

<u>cockpit monitoring interface further comprises a team roster, a task list, a shared folder, a</u>

<u>meeting scheduler, an issue list, a decision list, an integration status, and a tracker tool</u> ([0016] a

method for acquisition integration planning is provided which comprises selecting, from an

electronic interface, at least one of a plurality of integration areas, identifying a responsible

person for each integration area using the interface, identifying a responsible person and a due

date for each integration event within an integration area through the interface, and requesting,

from the electronic interface, a percentage completion for each integration event; see also [0003-

0007, 065-0067, 0075 integration progress report user interface showing a percentage

completion against plan with respect to each of the integration areas and headings used to group

integration events, also shows the processes relevant to integration of the acquisition, broken out

by phase in the acquisition integration, including pre-due diligence, due diligence, post

signing/pre-closing, post closing, and transition to operations phases]; see also [0044] tracking of

tasks; see also [0069] as shown on user interface 200, for the intellectual property acquisition

integration task, there are multiple, pre-defined integration events listed; see also Fig. 1:

deliverables checklist, Fig. 8: schedule, Fig. 19: integration progress report; see also claim 44

managing acquisition integration to achieve acquisition synergies).


As per claims 4 and 39, Lineberry discloses a method and system wherein a database for

acquisition integration is provided which comprises data corresponding to at least one integration

area and data corresponding to integration for each integration area [0014], and where a method

for acquisition integration planning is provided which comprises selecting, from an electronic

interface, at least one of a plurality of integration areas [0016], however does not expressly

disclose said training management interface further comprises

   a repository to request, schedule, and monitor execution of training sessions, and

   a platform to facilitate training by functioning as a class repository, a master training

   scheduler, an electronic mailer, and as a training archive; wherein the master training

   scheduler further comprises a department specific scheduling service, a department

   specific planning service, a role specific planning service, and a role specific scheduling

   service.


However, Marpe teaches various functional and user interface features which may be

enabled using software programming, i.e. object oriented programming (OOP) [0039],

and wherein the OOP components are reusable software modules which present an

interface that conforms to an object model and which are accessed at run-time through a

component integration architecture [0045]. In addition, Marpe teaches a discussion

database of the merger and acquisition (M&A) engine [0106], and wherein the M&A

engine improves resolution during the transition by utilizing discussion databases to

submit and/or answer issues, questions, topics, etc. which gives key stakeholders an

improved understanding of the most current status of key deliverables [0098].

Furthermore, Marpe teaches communicating the target environment to employees and

conducting training [0710]. Lastly, Marpe teaches a workbench repository [0348], a

project planning repository [0351], a deliverables repository [0373], and an assessment

repository [0424].


Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the user interface of Lineberry and Zhang to include the various

functional and user interface features as taught by Marpe in order to improve the quality

of the user interfaces and in order to improve the ability to manage change resulting from

mergers and acquisitions and expedite the learning process for new merger resources.


As per claims 6 and 40, Lineberry discloses a method and system consisting the deliverables

interface (Lineberry discloses prompting a user with a set of integration events and deliverables

checklists for selected integration area (Figs. 1, 9, 13: Deliverables checklist), and where a

computer program embodied on a computer readable medium is provided which comprises a

code segment that manages integration areas for acquisition integration [0018], and where a

method for acquisition integration planning is provided which comprises selecting, from an

electronic interface, at least one of a plurality of integration areas [0016]), but does not expressly

disclose:

> a reference model, a methodology tracker, help tool contextual tools, a baseline of
>
> combined spending, a depletion plan, an organizational structure, a view of current
>
> capabilities, and a view of material synergies; and providing a sub-deliverable interface
>
> comprising security permissions, one or more characteristics of a deliverables room, and
>
> the ability to generate and assign tasks in a synergy achievement

> However, Lineberry teaches a centralized database stored on a database server and which
>
> is accessible by users at one of user devices by logging onto a server sub-system [0051],
>
> and a main user interface that includes headings for commercial, operational, human
>
> resources, legal, and financial [0057], and a user interface that further includes
>
> integration sub-events which further define the integration events to be accomplished
>
> [0073].

> In addition, Marpe teaches various functional and user interface features which may be
>
> enabled using software programming, i.e. object oriented programming (OOP) [0039],
>
> and wherein the OOP components are reusable software modules which present an
>
> interface that conforms to an object model and which are accessed at run-time through a
>
> component integration architecture [0045]. In addition, Marpe teaches a discussion
>
> database of the merger and acquisition (M&A) engine [0106], and wherein the M&A

engine improves resolution during the transition by utilizing discussion databases to submit and/or answer issues, questions, topics, etc. which gives key stakeholders an improved understanding of the most current status of key deliverables [0098]. Furthermore, Marpe teaches communicating the target environment to employees and conducting training [0710]. Lastly, Marpe teaches a workbench repository [0348], a project planning repository [0351], a deliverables repository [0373], and an assessment repository [0424].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Lineberry and Zhang to include the various functional and user interface features as taught by Marpe in order to improve the quality of the user interfaces and provide knowledge management and delivery capabilities to facilitate the learning and execution of merger related work, and in order to improve the ability to manage change resulting from mergers and acquisitions and expedite the learning process for new merger resources.

As per claims 34 and 48, Lineberry discloses an acquisition integration plan for each integration area and each phase of acquisition, integration events and deliverables and where a user is able to construct a customized integration plan using those areas and events the user [0045-46]; and a deliverables checklist user interface, a project plan user interface and a target management user interface [0064, 67, 73], but does not expressly disclose providing said training management

interface to serve as a repository to request, schedule and monitor an execution of one or more

web-based training sessions, and to facilitate one or more web-bared training processes.

However, Marpe teaches various functional and user interface features which may be

enabled using software programming, i.e. object oriented programming (OOP) [0039],

and wherein the OOP components are reusable software modules which present an

interface that conforms to an object model and which are accessed at run-time through a

component integration architecture [0045]. In addition, Marpe teaches a discussion

database of the merger and acquisition (M&A) engine [0106], and wherein the M&A

engine improves resolution during the transition by utilizing discussion databases to

submit and/or answer issues, questions, topics, etc. which gives  key stakeholders an

improved understanding of the most current status of key deliverables [0098].

Furthermore, Marpe teaches communicating the target environment to employees and

conducting training [0710]. Lastly, Marpe teaches a workbench repository [0348], a

project planning repository [0351], a deliverables repository [0373], and an assessment

repository [0424].


Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the user interface of Lineberry and Zhang to include the various

functional and user interface features as taught by Marpe in order to improve the quality

of the user interfaces and in order to improve the ability to manage change resulting from

mergers and acquisitions and expedite the learning process for new merger resources.

**Claims 8-9 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Zhang in further view of Marpe and in further view of Simon (US 2003/0113700 A1) and/or Sanches (US 2003/0018510 A1).**

As per claims 8-9 and 41-42, Lineberry discloses a business leader integration area user interface that consists of printer friendly reports which includes integration events such as to schedule and participate in integration strategy workshop [0067], but does not expressly disclose:

> providing a collaborative calendar displaying merger related events, milestones, and facilitating training management;
>
> providing the collaborative calendar to monitor one or more rollout trainings and scheduling one or more services for a plurality of stakeholders, wherein providing the collaborative calendar further comprises displaying information relating to at least one of a stakeholder role and a merger group, and is further adapted to allow an exchange of information with an external calendar tool.

However, Marpe teaches various workbench access database tables that are relevant for the executive dashboard, and where such tables include the issues table, key milestones table, as well as the calendar table, and where all tables are stored in a database [0217, Fig. 9: see associated text]. In addition, Marpe teaches a reference section that contains additional tools necessary during the M&A, and where there are four reference functions namely deliverables library, contacts, calendars, and organizational charts [0458]. The

calendars allow users to create and retrieve project calendars to track meeting schedules [0506].

In addition, Simon and/or Sanches both teach a training system applicable to business mergers and acquisition (**Simon**: [0005-0008 compliance training for corporate mergers and acquisition…updating training content is available to account for legal and regulatory changes]; see also, [0010-0019, 0037 training modules….automatic e-mail system]; see also, [0020 on-line and off-line training modules on numerous compliance topics]; **Sanches**: [0002, 0011, 0030, 0037 system and method and software tools to direct and manage enterprise wide activities or initiatives for example mergers, reorganizations, and other enterprise-wide strategic change or other activities….action management system for planning and managing includes an management database, an faction item scheduler for assigning and scheduling action items…action item scheduler]; see also, [0043, 0060, 0063, 0107, 0121 web-based user training...training is provided and managed]; see also, [0166-0167, 0176-0177, 0183-0184 integration action management...acquisition integration training….reorganization training employees]; see also, [0291, 0294, 0307-0313, 0365  task scheduler…notification schedule, action item scheduler]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the systems and methods to facilitate integration of the Lineberry/Zhang combination to include an interactive calendar as taught by Marpe and to include a training system as taught by Simon and/or Sanches in order to effectively

monitor or manage the training process of employees using a wide range of collaboration

tools so that management can direct synchronized, consistent execution of their strategic

plans across and entire or multiple organizations.


**Please note:**

Applicant(s) are reminded that optional or conditional elements do not narrow the claims

because they can always be omitted.  See *e.g.* MPEP §2106 II C:  "Language that <u>suggest or</u>

<u>makes optional</u> but does not require steps to be performed or does not limit a claim to a particular

structure does not limit the scope of a claim or claim limitation. [Emphasis in original.]"; and *In*

*re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) "As a matter of linguistic

precision, optional elements do not narrow the claim because they can always be omitted." *In re*

*Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the Federal Circuit

affirmed the Board's claim construction of "further including that said wall may be smooth,

corrugated, or profiled with increased dimensional proportions as pipe size is increased" since

"this additional content did not narrow the scope of the claim because these limitations are stated

in the permissive form 'may.'"). Examiner has bolded and italicized examples of optional or

conditional elements throughout the rejected claims, please review all claims for conditional

language.


Functional recitation(s) using the word "for" (e.g. "<u>including</u> a meeting date, a time, a milestone,

a location, and a deliverable information, the deliverable information comprising a name, a task

force, a requester, an assignee, and a status" as recited in claim 29) have been considered but

given less patentable weight[1] because they fail to add any steps and are thereby regarded as intended use language. The step of <u>providing a</u> view of one or more lists would be performed the same regardless of what type of categories they belong to. A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.).

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Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

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[1] See e.g. *In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983)(stating that although all limitations must be considered, not all limitations are entitled to patentable weight.).

### *Response to Arguments*

Applicant's arguments with respect to claim 1 have been considered but are not persuasive. In light of amended claims 1-4, 6-9 and 28-29 a new ground(s) of rejection is stated above.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571)270-5494. The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JOHN WEISS can be reached on (571) 272-6812. The fax phone number for the

organization where this application or proceeding is assigned is 571-270-6494.

     Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.
Examiner, Art Unit 3629

/JOHN G WEISS/
Supervisory Patent Examiner, Art Unit 3629